

IRW AF



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**RESPONSE UNDER**  
**37 C.F.R. § 1.116**  
**EXPEDITED PROCEDURE**  
**EXAMINING GROUP 1638**

PATENT  
0760-0290P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Jun UEKI et al. Conf.: 3445  
Appl. No.: 09/856,725 Group: 1638  
Filed: May 25, 2001 Examiner: R. KALLIS  
For: NUCLEIC ACID FRAGMENTS, RECOMBINANT  
VECTORS CONTAINING THE SAME AND METHOD  
FOR PROMOTING EXPRESSION OF STRUCTURAL  
GENES USING THE SAME

NOTICE OF APPEAL FROM THE  
PRIMARY EXAMINER TO THE BOARD OF APPEALS

**MS AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 11, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated March 11, 2004 of the Primary Examiner finally rejecting claims 1-3 and 6-12.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of two (2) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$420.00 is required for the full period of the above-requested extension of time.

☐ An extension of \_\_\_\_\_ ( ) month(s) for responding to the Final Rejection was previously requested and paid for on

\_\_\_\_\_. Thus a fee of \$0.00 is required to obtain an additional \_\_\_\_\_ ( ) month(s) for filing the Notice of Appeal.

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$330.00

☐ Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$750.00.

Payment of the above TOTAL FEE is being made in the following manner:


☒ Check(s) in the amount of \$750.00 is/are enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Gerald M. Murphy, Jr., #28,977

*gmh*  
GMM/KLR:gmh  
0760-0290P

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